



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIKTORYIA POLANCO, et al.,

Plaintiffs,

-against-

YORK FOOD CORP., et al.,

Defendants.

19-CV-8815 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The parties have consented to the jurisdiction of the assigned magistrate judge to conduct all further proceedings in this action, including trial, pursuant to 28 U.S.C. § 636(c). (Dkt. No. 28.) All motions and applications must be made in compliance with Magistrate Judge Barbara Moses's Individual Practices in Civil Cases and Emergency Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

Judge Moses will conduct a telephonic trial scheduling conference on **January 14, 2021 at 11:00 a.m.** At that time the parties shall call **(888) 557-8511** and enter the access code **7746387**. **Please treat the conference as you would a public court appearance. If a conference or hearing in another matter is ongoing, please be silent (mute your line) until your case is called.**

In advance of the conference, counsel should review their schedules and the schedules of their clients for the next four months. At the conference, counsel should be prepared to commit to a date certain for the bench trial within that timeframe. They should also be prepared to discuss appropriate technology and logistics for examining witnesses and presenting exhibits and argument remotely if it remains impossible or unadvisable for all parties and counsel to appear physically in the courtroom for trial. Regardless of that determination, the parties will be required to submit their direct testimony, prior to the start of the trial, via affidavit.

Defendants may renew their motion for leave to file an amended answer (Dkt. Nos. 26, 27) on or before **January 5, 2021**. Any renewed motion shall:

- (a) address the almost four-month delay between August 20, 2020, when Lara Saglara Orashiva filed her consent to join this action as a party plaintiff (Dkt. No. 19), and December 14, 2020 (after Judge Woods set a trial date), when defendants first sought leave to amend their answer;
- (b) disclose when LeSouk, Inc. settled with the Department of Labor, when it paid all applicable fines and assessments, what fines and assessments it paid, and what effect, if any, these developments have on plaintiffs' claims in this action; and
- (c) discuss whether the proposed amendment, if permitted, would require or permit additional discovery, and/or additional motion practice, before this action could be scheduled for trial.

Plaintiffs shall file their opposition papers no later than **January 8, 2021**. Defendants shall file their reply papers, if any, no later than **January 12, 2021**. The parties should be prepared to discuss the motion at the January 14 , 2021 conference.

Dated: New York, New York
December 16, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge